

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**SAVANNAH COLLEGE OF ART AND
DESIGN, INC.,**

Plaintiff,

vs.

PHILIPPE HOUEIX,

Defendant.

CASE No. C-1-02-490

Magistrate Judge Hogan

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO ADMIT
PLAINTIFF'S EXHIBIT 51**

Plaintiff's memorandum correctly states the law. The cases cited by plaintiff deal with confusion between the products or services of the mark owner and the infringer. In the subject case there is no such confusion. The confusion within Exhibit 51 is between the visitor's idea of the school's integrity and message on the web site.

The Defendant does not have the opportunity to cross examine the declarant of Exhibit 51. Cross examination might show how she arrived at the defendant's web site. Perhaps her mistake, was purely her fault and not related to defendant's use of the mark.

Respectfully submitted,

/s/ John A.. Rebel
John A. Rebel (0031771)
Attorney for Defendant
McKinney & Namei
15 E. 8th St.
Cincinnati, Ohio 45202
(513) 721-0200, Fax: 513- 632-5898

Certification of Service

The foregoing was served electronically on plaintiff's attorneys of record, on this 12th day of October, 2004 .

/s/ John A.. Rebel

John A. Rebel (0031771)

Attorney for Defendant